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10/722,111	11/25/2003	Krishna Kumar	042933/302434	4834

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EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT

PAPER NUMBER

2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/722,111

Applicant(s)

KUMAR ET AL.

Examiner

Joy K. Contee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable by Akama, US 2004/0141186, previously used, in view of Sillanpaa, US Pub. No. 2004/0255030.

Regarding claim 1, Akama discloses in a packet radio communication system that provides for roaming operation of a mobile node during a first packet data communication session, an improvement of apparatus for facilitating creation of a second packet data communication session at least during a selected time interval concurrent with the first packet data communication session, said apparatus comprising: a second-session indicator at least selectably operable at least during the first packet data communication session to initiate the creation of the second packet data communication session, said second-session initiator for initiating the second packet data communication session with a registration request that requests registration of the

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mobile node to communicate pursuant to the second packet data communication session; and a second-session data communicator also at least selectably operable at least during the first packet data communication session and subsequent to registration of the mobile node requested by said second-session initiator, said second-session data communicator for communicating second-session packet data pursuant to the second packet data communication session at least during the selected time interval concurrent with the first packet data communication session (pp. 1 [0012] pp. 2 [0019] pps. 4-5 [0056- 0078] and pp. 8 [0069-0078] and see Fig. 2).

Akama fails to explicitly disclose the second-session data communication configured to store provisioning indicia at the mobile node in response to establishment of the second packet data communication session, the provisioning indicia including authentication information for use in subsequent initiation of communication pursuant to the second packet data communication session.

In a similar field of endeavor, Sillanpaa discloses the second-session data communication configured to store provisioning indicia at the mobile node in response to establishment of the second packet data communication session, the provisioning indicia including authentication information for use in subsequent initiation of communication pursuant to the second packet data communication session (page 1 [0013]).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Akama to include storage of provisioning indicia at the mobile node in response to establishment of the second packet data communication session,

Regarding claim 2, Akama discloses the apparatus of claim 1 wherein said second-session initiator initiates the creation of the second packet data communication session responsive to a mobile-node-generated input command (pp. 1 [0012] pp. 2 [0019] pps. 4-5 [0056- 0078] and pp. 8 [0069-0078] and see Fig. 2).

Regarding claim 3, AKAMA discloses the apparatus of claim 1 wherein said second-session initiator initiates the creation of the second packet data communication session responsive to an externally-generated input delivered to the mobile node (pp. 1 [0012] pp. 2 [0019] pps. 4-5 [0056- 0078] and pp. 8 [0069-0078] and see Fig. 2).

Regarding claim 4, AKAMA discloses the apparatus of claim 3 wherein the externally-generated input comprises a push message delivered to the mobile node (pp. 1 [0012] pp. 2 [0019] pps. 4-5 [0056- 0078] and pp. 8 [0069-0078] and see Fig. 2).

Regarding claim 5, AKAMA discloses the apparatus of claim 4 wherein the packet radio communication system provides for short message service messaging and wherein the push message responsive to which said second-session initiator initiates the creation of the second packet data communication session comprises a short message server message (pp. 1 [0012] pp. 2 [0019] pps. 4-5 [0056- 0078] and pp. 8 [0069-0078] and see Fig. 2).

Regarding claim 6, Akama discloses the apparatus of claim 1 wherein the second packet data communication session comprises an Internet Over The Air (IOTA) provisioning session and wherein the registration request generated by said second-session initiator requests initiation of the Internet Over The Air provisioning session (pp. 1 [0012] pp. 2 [0019] pps. 4-5 [0056- 0078] and pp. 8 [0069-0078] and see Fig. 2).

Regarding claim 7, Akama discloses the apparatus of claim 6 wherein provisioning indicia is associated with the Internet Over The Air provisioning session and wherein the registration request is generated in accordance with the provisioning indicia (pp. 1 [0012] pp. 2 [0019] pps. 4-5 [0056- 0078] and pp. 8 [0069-0078] and see Fig. 2).

Regarding claim 8, AKAMA discloses the apparatus of claim 6 wherein provisioning indicia is associated with the Internet Over The Air Internet provisioning session and wherein the registration request is generated to initiate downloading of the provisioning indicia (pp. 1 [0012] pp. 2 [0019] pps. 4-5 [0056- 0078] and pp. 8 [0069-0078] and see Fig. 2).

Regarding claim 9, AKAMA discloses the apparatus of claim 6 wherein the packet radio communication system further comprises an Internet Over The Air home agent and wherein the registration request generated by said second-session initiator is routed to the Internet Over The Air home agent(pp. 1 [0012] pp. 2 [0019] pps. 4-5 [0056-0078] and pp. 8 [0069-0078] and see Fig. 2).

Regarding claim 10, AKAMA discloses the apparatus of claim 9 wherein the second session data communication session comprises an Internet Over The Air provisioning session and wherein said second session data communicator communicates with the Internet Over The Air Home Agent pursuant to the Internet Over The Air provisioning session (pp. 1 [0012] pp. 2 [0019] pps. 4-5 [0056- 0078] and pp. 8 [0069-0078] and see Fig. 2).

Regarding claim 11, AKAMA discloses the apparatus of claim 10 further comprising a second session deregistrator at least selectably operable subsequent to registration of the mobile node responsive to the registration request used by said second session initiator to initiate the creation of the second packet data communication session, said second session deregistrator for initiating deregistration of the mobile node out of the Internet Over The Air provisioning session that forms the second packet data communication session(pp. 1 [0012] pp. 2 [0019] pps. 4-5 [0056- 0078] and pp. 8 [0069-0078] and see Fig. 2).

Regarding claim 12, AKAMA discloses the apparatus of claim 11 wherein said second session deregistrator initiates deregistration of the mobile node out of the Internet Over The Air provisioning session with a deregistration request, the deregistration request for communication to the Internet Over The Air Home Agent (pp. 1 [0012] pp. 2 [0019] pps. 4-5 [0056- 0078] and pp. 8 [0069-0078] and see Fig. 2).

Regarding claim 13, AKAKAMA discloses the apparatus of claim 12 wherein the Internet Over The Air home agent, subsequent to detection of the deregistration request, deregisters the mobile node out of the Internet Over The Air provisioning session(pp. 1 [0012] pp. 2 [0019] pps. 4-5 [0056- 0078] and pp. 8 [0069-0078] and see Fig. 2).

Regarding claim 14, AKAMA discloses the apparatus of claim 11 further comprising an inactivity determiner, said inactivity determiner for determining inactivity of communications pursuant to the Internet Over The Air provisioning session (pp. 1 [0012] pp. 2 [0019] pps. 4-5 [0056- 0078] and pp. 8 [0069-0078] and see Fig. 2).

Regarding claim 15, AKAMA discloses in a method for communicating in a packet radio communication system that provides for roaming operation of a mobile node during a first packet data communication session, an improvement of a method for facilitating creation of a second packet data communication session at least during a selected time interval concurrent with the first packet data communication session, said method comprising: initiating, at least during the first packet data communication session, the second packet data communication session initiated with generation of a registration request that requests registration of the mobile node to communicate pursuant to the second packet data communication session; communicating second packet-session packet data communication session at least during the selected time interval concurrent with the first packet data communication session (pp. 1 [0012] pp. 2 [0019] pps. 4-5 [0056- 0078] and pp. 8 [0069-0078] and see Fig. 2).

Regarding claim 16, AKAMA discloses the method of claim 15 further comprising the operation of requesting initiation of the second packet data communication session and wherein said operation of initiating is performed responsive to request generated during said operation of requesting (pp. 1 [0012] pp. 2 [0019] pps. 4-5 [0056- 0078] and pp. 8 [0069-0078] and see Fig. 2).

Regarding claim 17, AKAMA discloses the method of claim 15 wherein the second packet data communication session comprises an Internet Over The Air (IOTA) provisioning session and wherein the registration request generated during said operation of initiating requests initiation of the Internet Over The Air provisioning

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session(pp. 1 [0012] pp. 2 [0019] pps. 4-5 [0056- 0078] and pp. 8 [0069-0078] and see Fig. 2).

Regarding claim 18, AKAMA discloses the method of claim 17 wherein provisioning indicia is associated with the Internet Over The Air provisioning session, and wherein said operation of communicating comprises providing the mobile node with the provisioning indicia (pp. 1 [0012] pp. 2 [0019] pps. 4-5 [0056- 0078] and pp. 8 [0069-0078] and see Fig. 2).

Regarding claim 19, AKAKA discloses the method of claim 18 further comprising the operation of ending the Internet Over The Air Provisioning session when the provisioning indicia is delivered to the mobile node (pp. 1 [0012] pp. 2 [0019] pps. 4-5 [0056- 0078] and pp. 8 [0069-0078] and see Fig. 2).

Regarding claim 20, AKAMA discloses the method of claim 17 wherein the packet radio communication system further comprises an Internet Over The Air home agent and wherein the registration request generated during said operation of initiating is sent to the Internet Over The Air home agent(pp. 1 [0012] pp. 2 [0019] pps. 4-5 [0056- 0078] and pp. 8 [0069-0078] and see Fig. 2).

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K. Contee whose telephone number is 571.272.7906. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571.272.7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC



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